

REMARKS*Remarks on the Amendments Under Article 34 PCT*

The changes submitted under Article 34 of the PCT were made to correct obvious typographical and grammatical errors and to supply SEQ ID NOs, with some exceptions. These included changes were made to (1) insert the PCT serial numbers of other PCT applications referred to in the specification (pages 5, 20, 46 and 48 of PCT/US98/25892); (2) reflect subdivision of originally-filed Fig. 5 into Figs. 5A and 5B (page 8 of PCT/US98/25892); (3) replace by text strings several hypothetical sequences that had been provided for illustrative purposes (pages 17 and 18 of PCT/US98/25892); (4) add geographic locations of several scientific suppliers (on pages 37, 39, 40, 41, 42, 55, 56, 57 of PCT/US98/25892); (5) correct (on pages 18 and 22 of PCT/US98/25892) an example of a conservative substitution, which would have been obvious to one of ordinary skill in the art; (6) clarify a cut-off sentence (on page 39 of PCT/US98/25892); (7) correct SEQ ID NO:25 (on page 21 of PCT/US98/25892), which correction is supported by the correct presentation of this sequence in originally-filed Fig. 22; (8) correct SEQ ID NO:5 (on page 34 of PCT/US98/25892), which correction is supported by the correct presentation of this sequence in originally-filed Fig. 5; and (9) add the complete citations of references that were either submitted or in press at the time of filing of PCT/US98/25892, where one of ordinary skill could have looked up the citations in MedLine after publication (pages 46, 48 and 52 of PCT/US98/25892). Claim 38 was also amended under Article 34 PCT to recite restin rather than angiostatin, because without amendment, this claim was a duplicate of claim 30.

Remarks on Amendments Not Accepted by the IPER, Which Are Presented Herein

The IPER states that several amendments were not accepted by the Authority. The IPER contends that in the Sequence Listing submitted for PCT/US98/25892, the change in organism for SEQ ID NO:3 from "Artificial sequence" to "Mus musculus" is not supported. However, the originally-filed Fig. 4 clearly states that SEQ ID NO:3 represents mouse endostatin. The description of this figure in the specification, on page 8, lines 9-10, also describes mouse as the source of this sequence. Applicant therefore submits a Sequence Listing with the present application that includes "Mus musculus" as the source organism for SEQ ID NO:3.

The Authority also did not allow amendments to Fig. 5B and Fig. 25, contending that the changes had no basis in the application as filed. However, the changes to Figs. 5B and 25 do find support in PCT/US98/25892 as originally filed.

There are two changes to Fig. 5B. The first was the addition of a single nucleotide "C" to the 3' end of SEQ ID NO:12. This sequence had ended in "CA" in the originally-filed Fig. 5B, and was corrected to "CAC" in the Fig. 5B submitted with the Reply to Written Opinion. This change was supported by the presentation of this primer in the originally-filed specification, at page 45, line 19 of PCT/US98/25892. The second change to Fig. 5B was the addition of a single nucleotide "T" to the 3' end of SEQ ID NO:13. This sequence ended in "AA" in the originally-filed Fig. 5B, and was corrected to "AAT" in the Fig. 5B submitted with the Reply to Written Opinion. This change was supported by the presentation of this primer in the originally-filed specification, at page 45, line 30 of PCT/US98/25892. Applicant has therefore filed with this application a Fig. 5B which contains these two amendments.

The changes made to Fig. 25 were made to comply with sequence listing rules. These changes consisted of reassignment of several incorrect SEQ ID NOs so that multiple different sequences would not have the same SEQ ID NO. Applicant has therefore filed with this application a Fig. 25 which contains these amendments.

Remarks on the Amendments Presented Herein

Applicants also respectfully request entry of the amendments presented above. These amendments are made in regard to two other PCT applications which were incorporated by reference, and their "U.S. designation" applications. These applications are being filed as continuation applications rather than U.S. National Phase applications, and so Applicant has presented amendments to these passages that accurately reflect the type of application. Serial numbers and filing dates will be inserted by amendment in a second Preliminary Amendment to be filed at a future date.

Applicants also submit herewith a revised Fig. 25, which contains the corrections discussed above, and also a correction to SEQ ID NO:25. In this revised figure, Applicant has amended SEQ ID NO:25 to begin "TTC CAT . . ." rather than "TTT CAT . . .". This sequence occurs in both Figs. 22 and 25. SEQ ID NO:25 was presented correctly in the originally-filed informal Fig. 22. The Sequence Listing filed herewith contains SEQ ID NO:25 as presented in

originally-filed Fig. 22. Applicant therefore respectfully request entry of the revised Fig. 25 presented herewith.

Applicant's agent hereby states that the content of the continuation application presented herewith and co-pending application PCT/US98/25892 are the same and that the continuation application includes no new matter.

Respectfully submitted,

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